



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION I  
5 POST OFFICE SQUARE, SUITE 100  
BOSTON, MASSACHUSETTS 02109-3912

SEP 15 2016

**CERTIFIED MAIL-RETURN RECEIPT REQUESTED**

James McSurdy  
Water Treatment Superintendent  
The Department of Municipal Services - Public Works  
397 Lowell Street  
Andover, MA 01810

**Re: Request for Information Pursuant to Section 308 of the Clean Water Act (33 U.S.C. § 1318), Docket No. CWA-308-R01-FY16-75**

Dear Mr. McSurdy:

The federal Clean Water Act ("Act"), 33 U.S.C. § 1251, *et seq.*, prohibits the discharge of pollutants into waters of the United States, including wetlands, except as authorized by a permit issued pursuant to Sections 402 of the Act, 33 U.S.C. § 1342. Each discharge of pollutants from a point source that violates such a permit constitutes a violation of Section 301(a) of the Act, 33 U.S.C. § 1311(a).

Section 308(a) of the Act, 33 U.S.C. § 1318(a), authorizes EPA to require any person to provide information needed to determine whether there has been a violation of the Clean Water Act. The questions in this information request are related to discharges of total residual chlorine from the NPDES outfall. In addition, the questions relate to tank cleaning practices. Accordingly, you are hereby required, pursuant to 33 U.S.C. § 1318(a), to respond to the enclosed Information Request (Enclosure 1) **within forty-five (45) calendar days of receipt of this letter**, unless otherwise specified.

Please read the instructions and definitions in the enclosure carefully before preparing your response. Answer each question as clearly and completely as possible. Your response to this request must be accompanied by a certificate that is signed and dated by you or the person who is authorized by you to respond to the request. The certification must state that the response is complete and contains all information and documentation available to you that is responsive to the request. A Statement of Certification is enclosed with this letter (Enclosure 2).

Information submitted pursuant to this letter shall be sent by certified mail and shall be mailed to the following addresses:

U.S. Environmental Protection Agency, Region I  
5 Post Office Square, Suite 100  
Mail Code OES04-03  
Boston, MA 02109-3912  
Attention: George Harding

SEP 12 1992

and

Massachusetts Department of Environmental Protection  
Northeast Regional Office  
205 Lowell St  
Wilmington, MA 01887  
Attention: Kevin Brander

You may, if you desire, assert a business confidentiality claim covering part or all of the information requested in the manner described by 40 C.F.R. § 2.203(b). All information claimed to be confidential should be contained on separate sheet(s) and should be clearly identified as "trade secret" or "proprietary" or "company confidential." These separate marked sheets should be submitted to EPA by hard copy or compact disc, and not by email. Information covered by such a claim will be disclosed by EPA only to the extent, and by means of the procedures, set forth in 40 C.F.R. Part 2, Subpart B. If no such claim accompanies the information when it is received by EPA, the information may be made available to the public without further notice to you.

Compliance with the provisions of this letter is mandatory. If the Town does not respond fully and truthfully to this Information Request or adequately justify its failure to do so, the Town may be subject to civil penalties or criminal fines under Section 309 of the Act, 33 U.S.C. § 1319. Please be aware that the issuance of this letter and providing the requested information does not relieve you of any responsibility under the Act.

If you would like an opportunity to confer, or if you have any questions relating to this Request for Information, please contact George Harding of my staff at (617) 918-1870. If you have any legal questions, or if your attorney wishes to communicate with EPA on your behalf, please contact Jeffrey Kopf, Senior Enforcement Counsel at (617) 918-1796.

Sincerely,



James Chow, Manager  
Technical Enforcement Office  
Office of Environmental Stewardship  
EPA Region 1

Enclosures

- (1) Information Request
- (2) Statement of Certification

cc: Kevin Brander, MA-DEP  
Jeffrey Kopf, Senior Enforcement Counsel, EPA Region 1  
George Harding, Environmental Engineer, EPA Region 1



### **INFORMATION REQUEST**

This information is requested pursuant to Section 308(a) of the Clean Water Act, 33 U.S.C. § 1318(a).

#### **A. Instructions**

1. Any documents relied upon or used by you to answer any of the questions in the request must be copied and submitted to EPA with your response. All documents must contain a notation indicating the question and subpart of the question to which they are responsive.
2. If any question cannot be answered in full, answer to the extent possible. If your responses are qualified in any manner, please explain.
3. If information or documents not known or not available to you as of the date of submission of your response to this Information Request should later become known or available to you, you must supplement your response to EPA. Moreover, should you find, at any time after the submission of your response, that any portion of the submitted information is false or misrepresents the truth, you must notify EPA of this fact as soon as possible and provide a corrected response.
4. Please provide a separate narrative response to each and every question and subpart of a question set forth in this Information Request. Precede each answer with the text and the number of the question and its subpart to which the answer corresponds.



## **B. Questions**

For the Andover Water Treatment Plant located at 397 Lowell Street in Andover, MA, and the associated drinking water distribution system, provide the following information:

- a. A town map showing the location of all drinking water storage tanks.
- b. A list of drinking water storage tanks, including:
  - i. The tank reference name or number;
  - ii. The tank's size or capacity; and
  - iii. The material of from each tank is made.
- c. A description of cleaning, maintenance, and treatment procedures performed at each drinking water storage tank, including, at a minimum, a description of:
  - i. The process of emptying the tank prior to cleaning.
  - ii. The location of discharge of the water;
  - iii. The frequency that each tank is cleaned;
  - iv. The last date on which each tank was cleaned;
  - v. Addition of any chemicals or other treatment aids or agents at each storage tank;
  - vi. How oils and floatable debris are removed;
  - vii. How settled solids are removed;
  - viii. The typical volume of solids removed from each tank;
  - ix. The ultimate discharge and/or disposal location of oils and floatables removed from each tank;
  - x. The ultimate discharge and/or disposal location of settled solids removed from each tank.
- d. All results of any testing in the last five years of storage tank oils, floatables or solids, including tests for Resource Conservation Recovery Act (RCRA) applicability.

Enclosure 1

- e. All Bill of Ladings for shipment of storage tank oils, floatables or settled solids.
- f. An estimate of the volume of material removed from the system's drinking water storage tanks since September 1, 2011.
- g. An explanation of any NPDES Permit exceedances for Total Residual Chlorine ("TRC") since September 1, 2011.
- h. An explanation of the actions that will be taken to ensure that the Water Treatment Plant does not violate its TRC limits.

End of Questions





**DECLARATION**

I declare under penalty of perjury that I am authorized to respond on behalf of the Town of Andover. I certify that the foregoing responses and information submitted were prepared by me, or under my direction or supervision and that I have personal knowledge of all matters set forth in the responses and the accompanying information. I certify that the responses are true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

By \_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Title)

\_\_\_\_\_  
(Date)

